

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
D.R.	)	Civil Action No.: 3:20-cv-30085
Plaintiff,	)	
	)	
v.	)	
	)	
GREG BIGDA, LUKE COURNOYER,	)	
RUPERT DANIEL,	)	
POLICE COMMISSIONER JOHN	)	
R. BARBIERI, and	)	
CITY OF SPRINGFIELD,	)	
Defendants	)	
_____	)	

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***AFFIDAVIT OF EDWARD M. PIKULA***

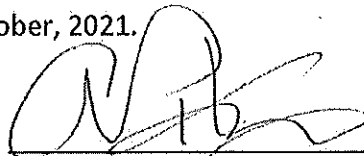
I, Edward M. Pikula, on oath, hereby depose and state:

1. I am an attorney licensed to practice law in the Commonwealth of Massachusetts. I am and have at all relevant times been the City Solicitor for the City of Springfield. I am the chief legal officer for the City.
2. In July, 2020 the City of Springfield received a report from the Department of Justice relative to an investigation the DOJ had conducted into the practices of members of the Springfield Police Department's "Narcotics Unit." The report concluded that there was probable cause to believe that the members of the Springfield Police Department ("SPD") narcotics division engaged in a pattern of practice of unconstitutional conduct, including excessive force, and falsifying reports to obscure the use of excessive force.
3. As a result of the receipt of this report I met with Police Commissioner Cheryl Clapprood, and members of the SPD leadership team, to discuss the report and to determine next steps. The report had referenced various incidents alleged to have occurred and which involved SPD officers. Some of the incidents alleged were readily identifiable, but many were not.
4. I requested that the SPD review the report and attempt to identify dates of incidents, police officers and any other individuals referenced in the DOJ report in order to prepare for the pending "pattern and practice" litigation which DOJ was pursuing

against the City. The purpose of the request was both to determine defense strategies, and to inform my ability to assess and advise the City as the litigation proceeded.

5. I have been actively negotiating a resolution to the DOJ investigation since December of 2020.
6. Deputy Chief Stephen Kent reviewed departmental records, and generated a report dated October 2, 2020. The report contained not only factual recitations, but the mental impressions, conclusions and opinions of a local government employee.
7. On July 2, 2021 I supplied documents utilized by Deputy Chief Kent to the Hampden County District Attorney's ("HCDA"). The HCDA requested a copy of the Kent Report. I declined to produce the report, as I have a good faith opinion the report is and should be protected from disclosure by the work-product privilege.

SIGNED under penalty of perjury this 1<sup>st</sup> day of October, 2021.

A handwritten signature in black ink, appearing to read 'E. Plkula', written over a horizontal line.

Edward M. Plkula